REMARKS

This application has been carefully reviewed in light of the Office Action dated January 19, 2007. Applicant has amended claims 1, 11, 23 and 24. Reconsideration and favorable action in this case are respectfully requested.

The Examiner has provisionally rejected claim 1-24 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims 1-21 of copending Ser. No. 10/618,859. Once claims are allowed, Applicant will address whether a terminal disclaimer should be filed.

The Examiner has rejected claims 1, 11 23 and 24 under 102(e) as being anticipated by U.S. Pat. No. 7,043,651 to Martinek. Applicant has reviewed this reference in detail and does not believe that it discloses or makes obvious the invention as claimed.

The Examiner has rejected claims under 35 U.S.C. §103(a) as being unpatentable over Martinek in view of FRC 2459 to Housley. Applicant has reviewed these references in detail and does not believe that they disclose or make obvious the invention as claimed.

In the present invention as defined by amended claim 1, a system program stored in a memory is checked to ensure that (1) the system program is bound to the particular computing device upon which it is being executed and (2) it is not modified during operation of the device.

The Martinek reference does not verify a binding between the system software, or any other type of software, and the particular computing device. In Martinek, a shared object is copied into RAM, where it is hashed on a periodic basis. However, at no time is a binding between the shared object and the particular device verified. In fact, Martinek is anticipates that wagering game software can be provided to systems over a network without physically accessing each individual system (col. 11, lines 62-67). Accordingly,

game software from one machine could be copied, along with the reference hashes, and passed on to any other gaming machine, whether or not the gaming machine manufacturer authorized the gaming software to be executed on the gaming machine.

In some computing devices, it is acceptable to move software from one device to another. But in other applications, such as the one described in the present specification, it may be necessary for the computing device manufacturer to maintain control of the some of the software executed by the computing device. Martinek does not provide this security – it only ensures that software loaded on the machine (along with a valid reference hash) does not change during operation of the machine.

With regard to claims 8 and 9, the Examiner states that Martinek compares a die identification number in a digital certificate associated with the system program is compared to a die identification device uniquely associated with the computing device, citing column 5, lines 36-47 of Martinek. This passage states:

> Hash functions are often used to hash data records to produce unique numeric values corresponding to each data record in a database, which can then be applied to a search string to reproduce the hash value. The hash value can then be used as an index key, eliminating the need to search an entire database for the requested data. Some hash functions are known as one-way hash functions, meaning that with such a function it is extremely difficult to derive a text string that will produce a given hash value, but relatively easy to produce a hash value from a text string. This ensures that it is not feasible to modify the content of the text string and produce the same hash value.

There is nothing in this passage to suggest that information contained in a digital certificate associated with a program is compared to a die identification number, or any other unique identifier for the computing device.

Accordingly, Applicants respectfully request allowance of claim 1 and dependent claims 2-10.

For reasons set forth in connection with claim 1, Applicants also respectfully request allowance of independent claim 11, along with dependent claims 12 – 24.

An extension of three months is requested and a Request for Extension of Time under § 1.136 with the appropriate fee is attached hereto.

The Commissioner is hereby authorized to charge any fees or credit any overpayment, including extension fees, to Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Alan W. Lintel, Applicants' Attorney at (972) 664-9595 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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